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GOVERNMENT OF GOA

Department of Law
Legal Affairs Division

Notification

7/3/2021-LA

The Goa Lokayukta (Amendment) Act, 2021 (Goa Act 3 of 2021), which has been passed by the Legislative Assembly of Goa on 28-01-2021 and assented to by the Governor of Goa on 15-02-2021, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 17th February, 2021.

The Goa Lokayukta (Amendment) Act,
2021

(Goa Act 3 of 2021) [15-02-2021]

An

Act

*further to amend the Goa Lokayukta Act,
2011 (Goa Act 3 of 2012).*

BE it enacted by the Legislative Assembly of Goa in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Lokayukta (Amendment) Act, 2021.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012) [hereinafter referred to as the ("principal Act")]—

(i) in clause (b)—

(a) in item (i), the expression "nepotism or lack of integrity" shall be omitted.

(b) in item (ii), the words "or improper or corrupt motive" shall be omitted.

(c) for item (iii), the following item shall be substituted, namely:—

"has abused or misused his position to obtain any gain or favour to himself or to any other person or to his family members, namely, spouse, children, parents and siblings, mother-in-law, father-in-law, brother-in-law, sister-in-law and their respective spouses".

(ii) in clause (i), for the word "mal-administration" the words "a corrupt act" shall be substituted;

(iii) clause (l) shall be omitted.

3. *Amendment of section 3.*— In section 3 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) A person to be appointed as the Lokayukta shall be a person who has held the office of a Judge of the Supreme Court, or of a Judge of the High Court. A person to be appointed as the Upa-Lokayukta shall be a person of eminence in public life with impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty years in the matters relating to anti-corruption policy or public administration, finance, including insurance and banking or law or management".

4. *Amendment of section 9.*— In section 9 of the principal Act for sub-section (2) the following sub-section shall be substituted, namely:—

"(2) Notwithstanding anything contained in sub-section (1) or any other provisions of this Act, where any allegation of corruption against any public functionary comes to the knowledge or is brought to the notice of the Government, it may, if satisfied that it is necessary in public interest so to do, by order in writing refer such allegations of corruption to the Lokayukta for investigation and the Lokayukta, either himself or through the Upa-Lokayukta shall investigate the same as if it was a complaint presented under this Act".

5. *Insertion of new section 10A.*— After section 10 of the principal Act, the following section shall be inserted, namely:—

"10A. *Statutory matters, etc.*— Nothing in this Act shall permit the Lokayukta or Upa-Lokayukta to examine the correctness of any Judgement or order passed by any Court of Law, Tribunal, Statutory Authority or Officer, under a Statute, or to decide any issue, question or dispute which is required to be settled, decided or adjudicated upon

by a competent Court or Authority created under any statute."

6. *Amendment of section 13.*— In section 13 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that if prior sanction of any authority is required under any law for the time being in force for such investigation then, such prior sanction shall be obtained from such authority before initiation of such investigation."

7. *Amendment of section 16.*— In section 16 of the principal Act,—

(i) in sub-section (1), clause (b) shall be omitted;

(ii) for sub section (2), the following sub-section shall be substituted, namely:—

"(2) The competent authority shall examine the report forwarded to it under sub-section (1), and within three months of the date of receipt of the report, intimate or cause to be intimated to the Lokayukta or Upa Lokayukta, as the case may be, the action taken or proposed to be taken or the reasons for refusal to take action, on the basis of the report."

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) If the Lokayukta or the Upa-Lokayukta, as the case may be, is satisfied with the action taken or proposed to be taken or the reasons for refusal to take action intimated to him under sub-section (2) by the Competent Authority, he shall close the case under information to the complainant, if any, the public functionary and the competent authority, but where he is not satisfied and if he considers that the case so deserves, he may make a special report upon the case to the Governor and also inform the competent authority concerned and the complainant, if any."

8. *Amendment of section 16A.*— In section 16A of the principal Act-

(i) sub-section (3) and sub-section (4) shall be omitted;

(ii) in sub-section (5) the words "or deemed acceptance" shall be omitted.

9. *Substitution of section 17.*— For section 17 of the principal Act, the following section shall be substituted, namely:—

17. *Initiation of prosecution.*— If, after investigation into any complaint, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that the public functionary has committed a criminal offence and that he should be prosecuted in a court of law for such an offence, then the Lokayukta or Upa-Lokayukta, as the case may be, may pass an order directing the initiation of prosecution against the public functionary concerned:

Provided that before implementation of the direction for prosecution, prior sanction from the Competent Authority shall be obtained for such prosecution against the public functionary:

Provided further that nothing in this section shall be construed as enabling the Lokayukta or Upa-Lokayukta to exercise powers under sub-section (3) of section 156 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

10. *Omission of section 27.*— Section 27 of the principal Act shall be omitted.

Secretariat,
Porvorim, Goa.
Dated: 17-02-2021

CHOKHA RAM GARG
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

Notification

7/4/2021-LA

The Goa Staff Selection Commission (Amendment) Act, 2021 (Goa Act 4 of 2021), which has been passed by the Legislative Assembly of Goa on 28-01-2021 and assented

to by the Governor of Goa on 15-02-2021, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 17th February, 2021.

**The Goa Staff Selection Commission
(Amendment) Act, 2021**

(Goa Act 4 of 2021) [15-02-2021]

An

Act

further to amend the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019).

BE it enacted by the Legislative Assembly of Goa in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Staff Selection Commission (Amendment) Act, 2021.

(2) It shall come into force at once.

2. *Amendment of section 7.*— In section 7 of the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019) after sub-section (7), the following sub-section shall be inserted, namely:—

"(8) Notwithstanding anything contained in this section, the Government Departments may, after obtaining prior approval from the Department of Personnel of the Government, conduct examinations for selecting candidates for appointment to sub-ordinate services/posts for a period of one year from the date of commencement of the Goa Staff Selection Commission (Amendment) Act, 2021."

Secretariat,
Porvorim, Goa.
Dated: 17-02-2021

CHOKHA RAM GARG
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

Notification

7/6/2021-LA

The Goa Land Revenue Code (Amendment) Act, 2021 (Goa Act 5 of 2021), which has been passed by the Legislative Assembly of Goa on 29-01-2021 and assented to by the Governor of Goa on 15-02-2021, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 17th February, 2021.

**The Goa Land Revenue Code
(Amendment) Act, 2021**

(Goa Act 5 of 2021) [15-02-2021]

An

Act

*further to amend the Goa Land Revenue Code,
1968 (Act No. 9 of 1969).*

BE it enacted by the Legislative Assembly of Goa in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Land Revenue Code (Amendment) Act, 2021.

(2) It shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint.

2. *Amendment of section 30.*— In section 30 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969) (hereinafter referred to as the "principal Act"), the following proviso shall be inserted, namely:—

"Provided that the provisions of this section shall not be applicable to the land in occupation of the Government, Corporation of the City of Panaji, a Municipal Council or a Village Panchayat and land to be used for installation of solar or wind power station."

3. *Amendment of section 32.*— In section 32 of the principal Act, in sub-section (6A), for the word "amend", the expression "add to, or omit from, or otherwise amend" shall be substituted.

4. *Amendment of section 173.*— In section 173 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions of this Code and the rules made thereunder every notice under this Code may be served either by tendering or delivering a copy thereof, or sending such copy by post or electronically or in any other manner as prescribed, to the person on whom it is to be served, or his authorized agent or, if service in the manner aforesaid cannot be made, by affixing or displaying a copy thereof at his last known place of residence or at some place of public resort in the village in which the land to which the notice relates is situated, or on such website as may be specified by the Government by a notification in the Official Gazette."

Secretariat,
Porvorim, Goa.
Dated: 17-02-2021

CHOKHA RAM GARG
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

Notification

7/7/2021-LA

The Goa Regularisation of Unauthorized Construction (Amendment) Act, 2021 (Goa Act 6 of 2021), which has been passed by the Legislative Assembly of Goa on 29-01-2021 and assented to by the Governor of Goa on 15-02-2021, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 17th February, 2021.

The Goa Regularisation of Unauthorized Construction (Amendment) Act, 2021

(Goa Act 6 of 2021) [15-02-2021]

An

Act

further to amend the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016).

BE it enacted by the Legislative Assembly of Goa in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Regularisation of Unauthorized Construction (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 24th day of June, 2016.

2. *Amendment of Section 3.*— In section 3 of the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016), in sub-section (5),— (i) for the expression "areas covered under Eco Sensitive Zone," the expression "areas covered under Eco Sensitive Zone-I, areas other than orchard land or cultivable land covered under Eco Sensitive Zone-II" shall be substituted;

(ii) the following explanation shall be inserted, namely:—

"*Explanation.*— (i) "Eco Sensitive Zone-I" means Eco Sensitive Zone-I as classified in Regional Plan 2021.";

(ii) "Eco Sensitive Zone-II" means Eco Sensitive-II as classified in Regional Plan 2021.";

(iii) the following proviso shall be inserted, namely:—

"Provided that the authorized officer may entertain any application under sub-section (1), if the unauthorized construction falls within the limits of the area covered under Settlement Zone,

Institutional Zone or Industrial Zone, Cultivable Zone, ORCHARD,":—

Secretariat,
Porvorim, Goa.
Dated: 17-02-2021

CHOKHA RAM GARG
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

Notification

7/8/2021-LA

The Goa Motor Vehicles Tax (Amendment) Act, 2021 (Goa Act 7 of 2021), which has been passed by the Legislative Assembly of Goa on 29-01-2021 and assented to by the Governor of Goa on 15-02-2021, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 17th February, 2021.

The Goa Motor Vehicles Tax (Amendment) Act, 2021

(Goa Act 7 of 2021) [15-02-2021]

An

Act

further to amend the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974) and the Goa, Daman and Diu Motor Vehicles (Taxation Passenger and Goods) Act, 1974 (Act No. 7 of 1974).

BE it enacted by the Legislative Assembly of Goa in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Motor Vehicles Tax (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 18th day of December, 2020.

2. *Amendment of section 3.*— In section 3 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974), hereinafter

referred to as the "principal Act" in sub-section (1), after the second proviso, the following provisos shall be inserted, namely:—

"Provided also that no tax shall be leviable under this section on any transport vehicle for the period 01-04-2020 to 30-09-2020, except the transport vehicle which has already paid one time tax at the time of registration:

Provided also that if tax is already paid under this section by any transport vehicle for the period 01-04-2020 to 30-09-2020, it shall be adjusted towards the tax payable in respect of same transport vehicle in future."

3. *Amendment of section 12.*— In section 12 of the principal Act, the following provisos shall be inserted, namely:—

"Provided that no penalty under this section shall be leviable in respect of the tax due for the period 01-04-2020 to 31-03-2021, if such tax is paid on or before 31-03-2021:

Provided further that if any penalty is already paid in respect of any motor vehicle, for period 01-04-2020 to 31-03-2021, then it shall be adjusted towards the tax payable in respect of same motor vehicle in future."

4. *Amendment of section 3 of the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 (Act No. 7 of 1974).*— In section 3 of the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 (Act No. 7 of 1974), in sub-section (1), in clause (i), after the existing proviso, the following provisos shall be inserted, namely:—

"Provided that no tax shall be leviable under this section on passengers, luggage and goods carried by a stage carriage, contract carriage, maxi-cab, taxi, autorickshaw, motorcycle or a rent a bike/car for the period 01-04-2020 to 30-09-2020:

Provided further that if any tax is already been paid under this section on passengers, luggage and goods by any stage carriage, contract carriage, maxi-cab, taxi, autorickshaw, motorcycle or a rent a bike/car, it shall be adjusted towards the tax payable in respect of same motor vehicle in future."

5. *Repeal and savings.*— (1) The Goa Motor Vehicles Tax (Amendment) Ordinance, 2020 (Ordinance No. 14 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974) or the Goa, Daman and Diu Motor Vehicles Taxation on Passengers and Goods Act, 1974 (Act No. 7 of 1974), as amended by the said Ordinance, shall be deemed to have been done or taken under the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974) or the Goa, Daman and Diu Motor Vehicles Taxation on Passengers and Goods Act, 1974 (Act No. 7 of 1974), as the case may be, as amended by this Act.

Secretariat,
Porvorim, Goa.
Dated: 17-02-2021

CHOKHA RAM GARG
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

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